

REMARKS

Claims 1-11, 13-22 and 26-28 are currently pending in the application. Claims 26-28 are new, support for which can be found at least at paragraphs [0044]-[0045] and [0049], as well as at least Figures 1, 6-8, and 11 of the application. Claims 1, 15, 16, 19, 20, 23 and 24 have been amended. Claims 1 and 19 have been amended to incorporate claim 12. Claims 12 and 23-25 have been canceled. Support for the amendment to claim 20 can be found at least at paragraphs [0048]-[0049] of the application.

Claims 1-25 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22, particularly claims 7-22, of copending Application Number 11/618,270 in view of US 3,559,865 ("Field"). As this is a provisional rejection, it will be addressed should the claims be allowed.

Claims 1-18 and 20-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With regard to claims 1 and 20, the Applicants respectfully submit that the amendments to these claims render the rejection moot. Claims 15-16 have been amended to correct antecedent basis of the term "integral snap-fit closure". Claims 23-24 have been canceled. In view of these amendments, the Applicants respectfully request this rejection be withdrawn.

Claims 1-13 and 19-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 3,559,865 ("Field") in view of US 2004/0062838 A1 ("Castellanos et al."). The Applicants respectfully traverse this rejection.

The presently claimed package of claim 1 has the advantage of providing inclined base portions for supporting a shingled stack of bacon or other food foodstuffs while at the same time providing extensions of the central base portion between the ends of the inclined portions and the endwalls to provide stability to the structure when placed on a flat surface. Additionally, the inclined base portion on either side of the central base portion is continuous in order to support the bacon or foodstuff while prevent sagging of the product.

Also with regard to claim 1, the references fail to disclose a package comprising “two inclined base portions each having a maximum width of about 50 to about 80% of the maximum width of the central base portion such that the second opposing sides of the central base portion are disposed between the tray endwalls and the inclined base portions” as presently recited in claim 1.

In regard to claim 19, the references fail to disclose a package comprising “two inclined base portions each having a maximum width of about 50 to about 80% of the maximum width of the central base portion such that side regions of the central base portion are disposed between the tray endwalls and the inclined base portions” as presently recited in claim 19.

Instead, Field discloses in Figure 3 a container with two rows each having multiple, spaced raised ribs. The Office Action indicates that Field discloses “inclined portions having a width which is 50-80% of the flat base portion (Figures 3-4, #18 & 22b)” (Office Action, page 5, lines 8-9). However, the Applicants assert that none of the ribs has a maximum width of about 50 to about 80 of the base of Field. In fact, it is point out that the combined width of diagonal portions 22a or 22b does not total 50% of the width of the base 18 of Field. Another embodiment of Field in Figure 5 discloses ribs that extend the entire length of the sidewall. Additionally, these ribs are indicated to be inserts in Figure 6. The rejection as it applies to Castellanos is directed entirely to the cover and therefore does not overcome the structures lacking in Field. Therefore, the Applicants respectfully assert that claims 1 and 19 are allowable.

With regard to claim 20, the references fail to disclose packaging components wherein “second opposing sides of the central base portion are disposed between one of the tray endwalls and the first inclined base portion sidewalls, the third opposing sides of the central base portion are disposed between the other of the tray endwalls and the second inclined base portion sidewalls” as presently recited in claim 20.

As discussed above, Field discloses multiple ribs in one embodiment and the use of inserts in another embodiment. Neither of these structures discloses the claimed packaging

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AMENDMENT dated December 18, 2008
Reply to Office Action of September 19, 2008

component as presently recited in claim 20. For the same reason listed above, Castellanos fails to provide the structures lacking in Field. Therefore, the Applicants respectfully assert that claim 20 is allowable.

Claims 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Field, in view of Castellanos, and further in view of US 3,792,181 ("Mahaffy" et al.) Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Field, in view of Castellanos et al. and Mahaffy et al., and further in view of US 6,630,237 (Rivett et al.). The Applicants respectfully traverse these rejections. For the reasons indicated above as they relate to independent claims 1, 19 and 20, it is respectfully submitted that claims 2-11, 13-18 and 26, dependent from claim 1, claim 27 dependent from claim 19, and claims 21, 22, and 28, dependent from claim 20 are allowable as well.

The Applicants respectfully request reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
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Dated: December 18, 2008

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